

AN ORDINANCE RELATING TO PUBLIC ASSEMBLIES

It is hereby enacted by the Board of Selectmen of the Town of Randolph, Vermont.

Section I. Definitions as used in this act:

- (1) "Permit" means a written statement, issued by the Board of Selectmen or their designee, authorizing the holding of a commercial assembly under stated conditions as to time, place and manner;
- (2) "Permit Officer" means the Board of Selectmen or officer designated by them to issue permits;
- (3) "Person" means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;
- (4) "Political Subdivision" means a city, town, village, gore, or other incorporated place;
- (5) "Commercial Public Assembly" or "Assembly" means a gathering of five hundred or more individuals in a public place which the general public is permitted or invited to attend, conducted or promoted for profit, whether or not a profit is actually returned, where persons are admitted on payment of cash, entry fees, advance subscriptions, or donation, or any thing of value;
- (6) "Promotional Activity" means purchasing paid advertisements in any media of communication, or circulation of printed material advertising the assembly;
- (7) "Public Place" means an open area where patrons cannot be accommodated inside a permanent building, other than a stadium used for sporting event, or a fairground having permanent seats for patrons, with respect to which a private person permits use by the general public.

Section II Permit: When to obtain

- (a) Any person who intends to hold or organizes or promotes a commercial public assembly shall obtain a permit to do so.

Section III To Whom application made, time, fee

An application for a permit to hold an assembly shall be filed with the permit officer not less than thirty days before the date of the assembly. The permit officer may act on an application not filed in time if the public health and safety will not be jeopardized by such action.

Fee shall be \$10.00

Section IV Contents of application

- (a) An application for a permit to hold an assembly shall be in writing and signed by an individual authorized to act for the person sponsoring it.
- (b) The application shall state:
 - (1) The date and hours the assembly is to be held.

- (2) The name, residence address, and phone number of the applicant, the principal officers of the applicant, the individual making the application, and any other individual authorized to represent the applicant in applying for the permit.
- (3) The designation and location of the public place where the assembly is to be held.
- (4) That the requested use by the applicant of the designated place has been granted by the person having the authority to grant the use of the public place.
- (5) The estimated number of persons expected to participate in or attend the public assembly.
- (6) A schedule and copies of all promotional activity the applicant has engaged in or intends to engage in.
- (7) The general nature of the assembly and the arrangements to protect the public health and safety during the conduct of the assembly, including arrangements with respect to traffic direction, crowd control, and sanitation facilities.
- (8) Any additional information the applicant wishes to furnish.

Section V Receipt of application

- (a) Upon receipt of an application for a permit to hold an assembly, the permit officer shall note the time of filing on the application and shall forthwith mail or otherwise deliver a copy of the application to the principal officers of the applicant names in the application to the state's attorney having jurisdiction, the local State Police, the County Sheriff, and the 1st Constable in which the assembly is to be held.

Section VI Action on application

- (a) The proper permit officer shall:
 - (1) Issue the permit as requested, or
 - (2) Issue the permit subject to any conditions authorized in Section VII, which he deems necessary to protect the public health and safety, or
 - (3) Apply to the county court for an order enjoining the holding of the public assembly if conditions cannot be imposed which will protect the public health and safety. If the permit officer fails to act on the application within ten days of the assembly, he is deemed to have granted the permit as requested.
- (b) The permit officer shall give the applicant immediate notice in writing of his action on the application.
- (c) By agreement in writing the applicant and the permit officer may modify the time requirements of Section III.

Section VII Criteria for imposing conditions on permit

- (a) If there is a reasonable likelihood that an assembly will substantially harm the public health or safety, the permit officer shall grant the permit upon conditions reasonably necessary to avoid substantial harm to the public health or safety.
- (b) The permit officer may impose conditions to ensure that:

- (1) Public sanitation, food, water and emergency medical facilities are adequate.
- (2) The time, place and duration of the assembly is suitable in view of the number of persons expected to attend.
- (3) Measures for controlling the crowd and managing the assembly are adequate.
- (4) The assembly will not substantially impair the provision of fire and police protection and medical and other essential public services
- (5) The assembly will not unreasonably interfere with the quiet enjoyment of a residential community.
- (6) Litter incidental to the assembly will be removed and disposed of.
- (7) The person holding the public assembly furnishes an adequate bond or arranges other financial security in a reasonable amount to insure reimbursement of a political subdivision, the Town of Randolph,, Vermont, or any policy agency, for the cost of additional law enforcement officers required to meet any other condition.

Section VIII Judicial review

- (a) If there is a reasonable likelihood that an assembly will substantially harm the public health or safety and this cannot be avoided by imposition of conditions, or if no permit for such an assembly has been applied for, the permit officer shall forthwith apply to the superior court for an order enjoining the applicant, other interested persons, or those persons the permit officer believes intend to hold an assembly without permit, from holding the assembly.
- (b) An applicant may petition the superior court for review of the reasonableness of any conditions imposed in a permit. A person who desires to organize or promote any gathering may also petition the court of an order declaring that the gathering is not subject to this ordinance. The petition shall contain a copy of the application, a copy of the permit, if any, and state the grounds for the decision requested.

Section IX Judicial order relating to an assembly

When a permit officer applies to the superior court for a restraining order , injunctive relief, or other order, or a person applies for judicial review under subsection (b) of Section VIII, the court shall expedite the proceedings to afford timely relief, cause appropriate notice to be given, and hear the case without a jury. Evidence commonly relieved upon by prudent men in the conduct of their affairs may be received. Upon a hearing, the court may enter an order declaring no permit is required, grant the permit as requested, grant a permit upon specified conditions, or enjoin the holding of the assembly, if there is a reasonable likelihood that the assembly will substantially harm public health or safety and this cannot be avoided by the imposition of conditions on the permit.

Section X Appeals

A party may obtain a review of a final judgment of the county court by appeal to the superior court. The appeal shall be taken as in other civil cases. The taking of an appeal does not operate to stay the order of the county, court, but the superior court may stay the order pending determination of the appeal.

Section XI Penalties

(a) A person who willfully:

(1) Violates a condition imposed in a permit to hold an assembly with knowledge of the provision, or

(2) Conducts, organizes or promotes an assembly without applying for a permit, may fined not more than \$2,000 or imprisoned for not more than two years, or both.

Section XII This act shall take effect from passage.

Approved: 8/4/81

Lawrence E. Townsend

Ralph F. Evans

Bruce A. Dawson

Edward Conant

Hannah Jeffery

Randolph Town Clerk's Office Received for Record August 5, 1981 at 3:00 P.M.

Attest: Doris Bowman Town Clerk

TOWN OF RANDOLPH, VERMONT
ASSEMBLY PERMIT APPLICATION

This application must be filed with the Town Manager NOT LESS THAN 30 DAYS BEFORE the scheduled event.

A \$10 application fee shall accompany this completed application.

APPLICANT INFORMATION

Applicant _____

Resident Address _____

phone number - -

Principal Officers of the Applicant _____

Name of person making this application _____

Other authorized representatives of the Applicant _____

PROPERTY OWNER INFORMATION

Property Owner _____

Address _____

phone number - -

PUBLIC ASSEMBLY INFORMATION

Name of Event _____

Detailed description of the event location _____

Date(s) of the event _____

Time and duration of the event _____

Estimated number of persons expected to participate in and/or attend the event _____

General nature of the event _____

Will food be served or prepared and served? ☐ No ☐ Yes (describe)

PUBLIC SAFETY INFORMATION (continued)

Will fire department personnel be provided? ☐ No ☐ Yes
If yes, which department (Village, Randolph Center, East Randolph) and for what times? _____

APPLICANT AND PROPERTY OWNER CERTIFICATIONS

APPLICANT	The undersigned hereby certifies that the information on this application is true and accurate.
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Applicant's signature

Date _____

PROPERTY OWNER	The undersigned hereby certifies that he/she is the title owner of record of the property where the event is scheduled, that he/she has reviewed this application when complete, and that the applicant has full authority to hold the event as described on this application.
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Property owner's signature

Date _____

SKETCH

Provide a sketch that shows the general layout of the site including the areas and/or locations of the following:

-assembly activity	-parking	-sanitary facilities	-waste disposal receptacles
-limits of activity	-water	-food prep/service	-first aid/emergency personnel station

OFFICE USE

Date of receipt

\$ 10.00	
Fee paid	(init.)

Date paid

PUBLIC ASSEMBLY INFORMATION (continued)	
Does the event have the potential to generate any of the following: (describe if applicable)	
☐ Noise	☐ Smoke ☐ Odor
PUBLIC HEALTH INFORMATION	
Will sanitary facilities be provided? ☐ No ☐ Yes	
If yes, what type of sanitary facilities are being provided?	
☐ Portable toilets	How many?
☐ Existing restrooms	How many? Where?
☐ Other	How many? Describe
Will a first aid station be provided? ☐ No ☐ Yes	
Will emergency medical personnel be provided? ☐ No ☐ Yes	
If yes, please describe, including what times the personnel will on on-site.	
Will water be provided? ☐ No ☐ Yes	
If yes, describe.	
Will waste disposal receptacles be provided? ☐ No ☐ Yes	
If yes, describe type, size and number of containers, which company will provide the service and who will remove debris and litter left on-site after the event.	
PUBLIC SAFETY INFORMATION	
Estimated number of cars expected for the event	
Number of parking spaces available on-site (not on a public road)	
Will law enforcement be provided? ☐ No ☐ Yes	
If yes, which department (local, state, sheriff), how many, for what times and for what purpose (i.e. crowd control, traffic control)?	

OFFICE USE (continued)	
Fire Department	☐ Approved ☐ Approved with conditions ☐ Denied Conditions / Reasons for denial (circle one): _____ _____ _____ Signature of Fire Chief or Asst. Fire Chief _____ Date _____
Police Department	☐ Approved ☐ Approved with conditions ☐ Denied Conditions / Reasons for denial (circle one): _____ _____ _____ Signature of Police Chief _____ Date _____
Health Officer	☐ Approved ☐ Approved with conditions ☐ Denied Conditions / Reasons for denial (circle one): _____ _____ _____ Signature of Health Officer _____ Date _____
Director of Public Works	☐ Approved ☐ Approved with conditions ☐ Denied Conditions / Reasons for denial (circle one): _____ _____ _____ Signature of Director of Public Works _____ Date _____
FINAL ACTION	☐ Approved ☐ Approved with conditions as stated above ☐ Denied Reasons for denial _____ _____ _____ Signature of Town Manager or Selectboard Chair _____ Date _____